

Application No. 09/724,940
Amendment dated September 15, 2003
Reply to Restriction/Election of Species Requirement of March 13, 2003

REMARKS/ARGUMENTS

After entry of these remarks, claims 31-58 are pending and claims 31-37 are under consideration, claims 38-58 having been withdrawn. In the Preliminary Amendment filed June 7, 2002, Applicant substantially copied the claims of WO 01/39796. The U.S. national stage of WO 01/39796, U.S. Application No. 09/867,847, published as US 2002/0094335 on July 18, 2002. A PAIR report generated September 15, 2003, shows Examiner Sharon L. Turner is examining US 2002/0094335, not the Examiner of the instant case, Christopher J. Nichols. Applicant responds to the Restriction/Election of Species Requirement using the paragraph numbering of the Requirement.

¶1. Applicant elects Group I, claims 31-37, with traverse.

¶6. The Restriction Requirement takes the position that the product of Group III, claims 45-51, is distinct from the process of Group I because the product as claimed can be used in a materially different process. The Restriction Requirement suggests that the product of Group III can be used to isolate receptors. It is Applicant's position that claims of Group III, which are drawn to a vaccine for preventing and/or treating an amyloid-related disease in a subject, cannot accomplish the suggested use. Thus, the product of Group III and the process of Group I are not distinct. Based on the foregoing, Applicant respectfully requests Groups I and III be rejoined.

¶7. Applicant elects species b., an immunogenic fragment of A β . Applicant respectfully disagrees that claims 32, 39, 46, and 53 are generic. It is Applicant's position that claims 31, 38, 45, and 52 are generic because they cover all of the respective species, and claims 32, 39, 46, and 53 are subgeneric relative to claims 32, 38, 45, and 52 because they cover some, but not all of the respective species. Claims 32-37 read on the elected species. If Groups I and III are rejoined, claims 32-37 and 46-51 read on the elected species.

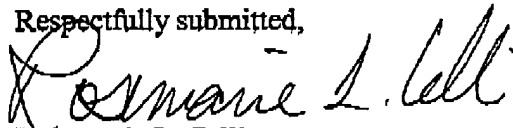
¶5. The Restriction Requirement takes the position that the product of Group II, claims 38-44, is distinct from the process of Group IV, claims 52-58, because the product as claimed can be used in a materially different process. The Restriction Requirement suggests that the product of Group II can be used in *in situ* and diagnostic assays. It is Applicant's position

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that the claims of Group II, which are drawn to a vaccine for preventing and/or treating an amyloid-related disease in a subject, cannot accomplish the suggested use. Thus, the product of Group II and the process of Group IV are not distinct. Based on the foregoing, Applicant respectfully requests Groups II and IV be rejoined.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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Application Data Sheet**Application Information**

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 Filing Date:: 11/28/00
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 Subject Matter:: Utility
 Title:: PREVENTION AND TREATMENT OF
 AMYLOIDOGENIC DISEASE
 Attorney Docket Number:: 15270J-004751US

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of	09/580,015	05/26/00
09/580,015	Continuation-in-part of	09/322,289	05/28/99
09/580,015	Continuation-in-part of	09/201,430	11/30/98
<u>09/322,289</u>	<u>Continuation-in-part of</u>	<u>09/201,430</u>	<u>11/30/98</u>
<u>09/201,430</u>	<u>Non-Provisional of</u>	<u>60/080,970</u>	<u>04/07/98</u>
<u>09/201,430</u>	<u>Non-Provisional of</u>	<u>60/067,740</u>	<u>12/02/97</u>
<u>09/201,430</u>	An Application claiming benefit under 35 USC 119(e) of	<u>60/080,970</u>	<u>04/07/98</u>
<u>09/201,430</u>	An Application claiming benefit under 35 USC 119(e) of	<u>60/067,740</u>	<u>12/02/97</u>
09/580,015	Continuation-in-part of	PCT/US98/25386	11/30/98
PCT/US98/25386	Continuation-in-part of	09/201,430	11/30/98
<u>PCT/US98/25386</u>	<u>Non-Provisional of</u>	<u>60/080,970</u>	<u>04/07/98</u>
<u>PCT/US98/25386</u>	<u>Non-Provisional of</u>	<u>60/067,740</u>	<u>12/02/97</u>